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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,170	07/11/2001	Pierre G. Richard	80920.0015	1171
26021	7590	04/05/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			BASHORE, WILLIAM L.	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,170

Applicant(s)

RICHARD, PIERRE G.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/9/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: original application filed 7/11/2001, said application claims foreign priority filing date of 7/12/2000. IDS filed 10/9/2001.
2. Claims 1-86 pending. Claim 1, 41, 83, 85 are independent.
3. It is respectfully noted that the rejections of the pending claims have been addressed in the order of groupings according to their respective claim trees.

Claim Rejections - 35 USC § 101

4. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **The claimed invention, as claimed in claims 1-82, is directed to non-statutory subject matter.**

In regard to independent claims 1, 41, the limitations in each of claims 1 and 41 can be fairly interpreted as a set of mental and/or manual steps (i.e. mentally transforming, or using pen and paper, etc.), therefore said claims are directed to non-statutory subject matter. The examiner's suggestion of amending to read "*A computer implemented method...*", and "*A computer implemented system...*", will serve to overcome this rejection.

In regard to dependent claims 2-40, 42-82, claims 2-40, 42-82 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al.

(hereinafter Fong), U.S. Patent No. 6,279,015 issued August 2001, in view of Sahota et al. (hereinafter (Sahota), U.S. Published Application No. US 2001/0056460 published December 2001.

In regard to independent claim 1, Fong teaches converting a markup language (SGML) input data into another markup language (HTML) (Fong Abstract – especially near bottom).

Fong teaches accepting input data from a source, said file transformed into the second markup language (interactive input, input file) (Fong Abstract – especially near top, and near bottom, Figure 12B, 12C).

Fong does not specifically teach converting to anyone of a “plurality” of markup languages (i.e. 2 or more). However, Sahota teaches transformation from HTML to XML (Sahota Abstract, also paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Sahota’s conversion to XML to Fong’s conversion, providing Fong the benefit of increasing the diversity of output types for various applications by offering a plurality of final types.

In regard to dependent claim 2, Fong teaches a request to transform one markup language input to another (Fong Abstract).

Fong does not specifically disclose a request to “standardize” data. However, since it is known in the art that a typical HTML file must adhere to a set of standards (i.e. HTML 3.2, etc.) in order for said file to be recognized, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide

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an initial request of an input SGML file which at least adheres to said set of standards, providing the benefit of proper and accurate transformation.

In regard to dependent claims 3-7, 13, 15-31, claims 3-7, 13, 15-31 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fong teaches a tree structure of nodes (i.e. for traversal), as well as tags (Fong Figures 3A, 3B, column 4 lines 30-31). Fong does not specifically teach scripts and templates, or fault tolerance. However, Sahota teaches the use of templates and scripts associated with conversion from one format to another (Sahota paragraphs [0035], [0036], [0048], also paragraph [0050] for a content generator which is responsible for producing well formed HTML, XML....and other formats (i.e. transforming from non-well formed to well formed), therefore said converter tolerates mistakes). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Sahota to Fong, providing Fong the benefit of fault tolerance and templates for more accurate results.

In regard to dependent claims 8-12, 14, 32-40, Fong does not specifically teach selection from a plurality of input formats, and in the specific combinations, as claimed. However, Sahota teaches conversion from HTML to XML, as well as transformation from XML to HTML, along with use of WML (Sahota Abstract, also paragraphs [0006], [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Sahota to Fong's conversion, providing Fong the benefit of increasing the diversity of input and output types for various applications by offering a plurality of types.

In regard to independent claim 41, claim 41 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

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In regard to dependent claim 42, claim 42 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 2, and is rejected along the same rationale.

In regard to dependent claims 43-47, 53, 55-68, 81-82, claims 43-47, 53, 55-68, 81-82 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 3-7, 13, 15-31, and are rejected along the same rationale.

In regard to dependent claims 48-52, 54, 69-80, claims 48-52, 54, 69-80 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 8-12, 14, 32-40, and are rejected along the same rationale.

In regard to independent claim 83 and dependent claim 84, claim 83 reflects the product (program product, architecture, etc.) comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

Fong teaches the Internet and Internet servers (Fong column 9 lines 45-58).

8. **Claims 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong, in view of Sahota, and further in view of Hunt et al. (hereinafter Hunt), U.S. Published Application No. US 2004/0133848, published July 2004.**

In regard to independent claim 85 and dependent claim 86, Fong teaches converting a markup language (SGML) input data into another markup language (HTML) (Fong Abstract – especially near bottom).

Fong teaches accepting input data from a source, said file transformed into the second markup language (interactive input, input file) (Fong Abstract – especially near top, and near bottom, Figure 12B, 12C).

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Fong does not specifically teach converting to anyone of a “plurality” of markup languages (i.e. 2 or more). However, Sahota teaches transformation from HTML to XML (Sahota Abstract, also paragraph [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Sahota’s conversion to XML to Fong’s conversion, providing Fong the benefit of increasing the diversity of output types for various applications by offering a plurality of final types.

Fong does not specifically teach “telephone”. However, Hunt teaches transformation of markup language content utilizing a telephone architecture (Hunt paragraph [0065], and [0362]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hunt to Fong, providing Fong the benefit of telephone architecture for interacting with wider audiences.

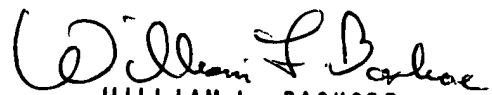
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM L. BASHORE
PATENT EXAMINER
TECH CENTER 2100

April 3, 2005